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05-15-01

PTO/SB/09 (11/00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	514413-3550.1
First Inventor	Frommer
Title	DNA SEQUENCES FOR AN AMINO ACID TRANSPORTER, PLASMIDS, BACTERIA, YEASTS AND PLANTS CONTAINING A TRANSPORTER AND THEIR USE
Express Mail Label No.	EL742699812US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 41]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix.
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure (on cover sheet)
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. ☐ Oath or Declaration [Total Pages 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CFR)
 - b. Specification sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (copy from parent application)
10. ☐ 37 CFR 3.73(b) Statement
- ☒ Power of Attorney (Copy from parent application) (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations (partial)
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach from PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/964,939
Prior application information: Examiner: Amy Nelson Group/Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon which a portion has been inadvertently omitted from the submitted application parts.

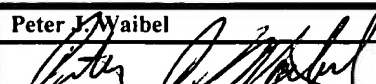
19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

Or ☒ Correspondence address below

Name	William F. Lawrence				
	FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800	Fax	(212) 588-0500

Name (Print/Type)	Peter J. Waibel	Registration No. (Attorney/Agent)	Reg. No. 43,228
Signature		Date	May 14, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

00012023

FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 2000.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

Complete if Known

Application Number	Divisional Appln. of US Ser. No. 08/964,939
Filing Date	Herewith
First Named Inventor	Frommer
Examiner Name	TBA
Group/Art Unit	TBA
Attorney Docket No.	514413-3550.1

TOTAL AMOUNT OF PAYMENT (\$) 1274.00

METHOD OF PAYMENT

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Frommer Lawrence & Haug LLP

50-0320

☒

Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐

Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒

Payment Enclosed

☒ Check

☐ Money Order

☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					710.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid
38	-20** = 18	18	324.00
Ind. Claims 6	-3** = 3	80	240.00
Multiple Dependent	X		0.00

** or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	130	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
107	490	207	245	Plant filing fee
SUBTOTAL (2)				(\$564.00)

FEE CALCULATION

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205		Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request of reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth Month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	160	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use Proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive- unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional Applications	
126	240	126	240	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3)					(\$0.00)

* Reduced by Basic Filing Fee

SUBMITTED BY

Typed or Printed Name

Peter J. Waibel, Esq.

Signature

Date

May 14, 2001

Complete (if applicable)

Reg. Number

43,228

Deposit Account

50-0320

Patent Application Transmittal
WITH PRELIMINARY AMENDMENT
(only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Correspondence Address:
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NEW YORK 10151
TEL: (212) 588-0800
FAX: (212) 588-0500

Date: May 14, 2001
Attorney Docket No.: 514413-3350.1

ASSISTANT COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

Sir:

With reference to the filing in the United States Patent and Trademark Office of an application for patent in the name(s) of: WOLF-BERND FROMMER

entitled: DNA SEQUENCES FOR AN AMINO ACID TRANSPORTER, PLASMIDS,
BACTERIA, YEASTS AND PLANTS CONTAINING A TRANSPORTER AND THEIR USE

X Continuing Application

 Continuation X Divisional Continuation-in-Part (CIP)
of prior application serial no.08/964,939, filed November 5, 1997, which claims benefit
of priority from application serial no. 08/362,512, filed January 5, 1995.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively copending
applications, then in this amendment identify each and its relationship to its immediate
predecessor.]

X The prior application is assigned of record to HOECHST SCHERING AGREVO GMBH.

 This is an application of a small entity under 37 CFR 1.9(f) and the amounts shown in
parentheses below have been employed in calculating the fee:

 Small Entity Verified Statement(s) is (are) enclosed.

 Small Entity Verified Statement(s) filed in prior application, status still proper and

desired

The following are enclosed:

- ☒ Specification (41 pages, including 11 pages of claims and one cover sheet)
☒ 5 Sheet(s) of Drawings (Figs. 1-5)
☒ 38 Claim(s) (including 6 independent claim(s))

☐ This application contains a multiple dependent claim (see Preliminary Amendment herewith)

☒ Our check for \$ 1274.00, calculated on the basis of the claims as amended by any enclosed preliminary amendment as follows:

Basic Fee, \$710.00 (\$355.00):	\$710.00
Number of Claims in excess of 20 at \$18.00 (\$9.00) each:	\$324.00
Number of Independent Claims in excess of 3 at \$80.00 (\$40.00) each:	\$240.00
Multiple Dependent Claim Fee at \$270.00 (\$135.00):	\$0.00
Total Filing Fee:	\$1274.00

☐ Assignment Recording Fee \$40.00:

☐ PETITION TO MAKE SPECIAL FEE \$

☒ TOTAL:

☐ This application is being filed within the ___ month following the expiration of the term originally set therefor in the prior application. This is a petition to request a -month extension of time. A check covering the cost of the petition is enclosed.

☒ Oath or Declaration and Power of Attorney

☐ New ☐ signed ☐ unsigned

☒ Copy from a prior application (37 C.F.R. 1.63(d)) (See also Preliminary Amendment)

Deletion of Inventors

☐ Signed Statement attached deleting inventor(s) named in the prior application (37 C.F.R. 1.63(d)(2) and 1.33(b))

Power of Attorney or Correspondence Address Change

X Power of attorney and/or correspondence address was changed during prosecution of the prior application. The power of attorney is to **THOMAS J. KOWALSKI, REG. NO. 32,147**. The new correspondence address is indicated above.

X Incorporation by Reference (for continuation or divisional application)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

X A Preliminary Amendment is included with this Application.

514413-3550.1

PATENT
514413-3550.1

___ New formal drawings are enclosed.

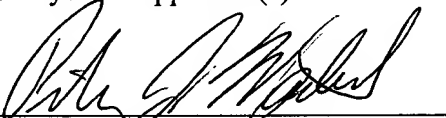
- x Certified copy of each foreign priority application on which the claim for priority under 35 U.S.C. 119 is based was filed in prior U.S. applications serial nos. 08/362,512, filed January 5, 1995.

<u>Application No.</u>	<u>Filed</u>	<u>In</u>
P 42 22 315.6	07/05/92	Germany

Please charge any additional fees required for the filing of this application or for any of the other matters herein requested, or credit any overpayment to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

By: 

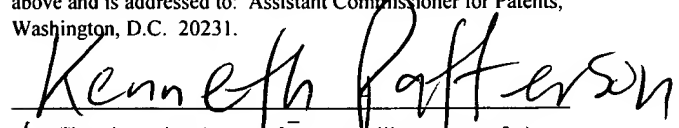
Thomas J. Kowalski, Esq.
Reg. No. 32,147
Peter J. Waibel
Reg. No. 43,228
(212) 588-0800

EXPRESS MAIL

Mailing Label Number: EL742699812US

Date of Deposit: May 14, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

CERTIFICATE OF MAILING – SEPARATE PAPER

Attorney Docket No. : 514413-3550.1
Serial No. : Divisional Appln. of US Appln. Ser. No. 08/964,939
Filed : Herewith
Applicant(s) : Wolf Bernd Frommer

Date of Deposit **May 14, 2001** via “Express Mail” # EL742699812US

I hereby certify that Divisional Application, a Fee Transmittal Sheet, a Preliminary Amendment, an Information Disclosure Statement and Form PTO-1449 (in duplicate), and related documents for the above-referenced application are being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Kenneth Patterson
(Typed or printed name of person mailing paper or fee)

[Signature]
(Signature of person mailing paper or fee)

PTO Form 1449-051449